

DOCKET NO.: BMS-0690

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT
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In Re Application of:
Milind Rajopadhye et al.
Serial No.: 09/599,890
Filing Date: June 21, 2000
For: VITRONECTIN RECEPTOR ANTAGONIST PHARMACEUTICALS

Confirmation No.: 7176
Group Art Unit: 1624
Examiner: Venkataraman Balasubramanian

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, **Bristol-Myers Squibb Pharma Company**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,322,770**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated

prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

(Check either box 1 or 2 below, if appropriate)

- ☒ 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

- ☒ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☐ 2. The undersigned is an attorney of record.

FEE STATUS

- ☐ 3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

- ☐ 4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

- ☐ an Independent Inventor
- ☐ a Small Business Concern

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PATENT

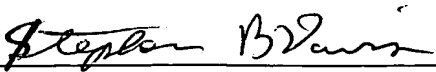
☐ a Nonprofit Organization

☐ Small Entity - \$55.00

☒ 5. Other than a Small Entity - \$110.00

Bristol-Myers Squibb Pharma Company

Date: January 14, 2003



Stephen B. Davis
Counsel Patents
Registration No. 26,693

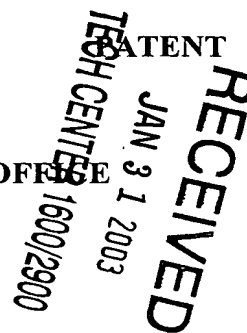
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I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

Wendy A. Choi

TYPED NAME: Wendy A. Choi
REGISTRATION NO.: 36,697

Commissioner of Patents and Trademarks
Washington DC 20231

STATEMENT UNDER 37 CFR § 3.73(b)

Bristol-Myers Squibb Pharma Company, a corporation,

states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above.
- ☐ 1. The assignment was recorded in the Patent and Trademark Office at Reel, Frame(s).
- ☐ 2. The assignment has not yet been recorded. A copy of the assignment is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

- i. From: Milind Rajopadhye, John A. Barrett, Alan P. Carpenter, Edward H. Cheeseman, Thomas D. Harris (The Inventors) To: Dupont Pharmaceuticals Company The document was recorded in the Patent and Trademark Office at Reel 011514, Frame(s) 0849, or for which a copy thereof is attached.
 - ii. From: DuPont Pharmaceuticals Company To: Bristol-Myers Squibb Pharma Company The document was recorded in the Patent and Trademark Office at Reel 012607, Frame(s) 0038, or for which a copy thereof is attached.
 - iii. From: To: The document was recorded in the Patent and Trademark Office at Reel , Frame(s) , or for which a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: January 14, 2003



Signature

Name: Stephen B. Davis

Title: Counsel Patents

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